

800.013097

Gonzalez

31131S:sca:rc:September 18, 2015

Attorney No. 41535

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

VICENTE GONZALEZ,

Plaintiff,

vs.

PURDY BROS TRUCKING CO., a foreign  
corporation, and MARK DAVID TIPTON

Defendants.

No.

Amount: in excess of \$50,000.00 plus the  
cost of this suit.

Return Date:

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TIME 00:00  
FI Motor Vehicle

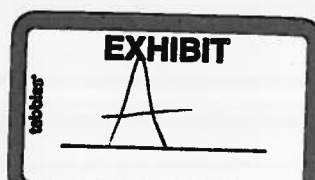
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**COMPLAINT**

NOW COMES the Plaintiff, VICENTE GONZALEZ, by and through his/her attorneys,  
THE VRDOLYAK LAW GROUP, LLC, and complaining of the Defendants, PURDY BROS  
TRUCKING CO., a foreign corporation and MARK DAVID TIPTON, and states as follows:

**COUNT I - Vicente Gonzalez v. Purdy Bros Trucking Co.**

1. That on or about June 19, 2015, MARK DAVID TIPTON, an employee and/or authorized and/or ostensible agent of the Defendant, PURDY BROS TRUCKING CO., operated, controlled and drove a motor vehicle, traveling in a generally northbound direction on I-55 at or near 1st Avenue, in the City of Summit, County of Cook, State of Illinois.
2. That at the aforesaid time and place, and at all relevant times herein, the Defendant, PURDY BROS TRUCKING CO., owned and maintained said motor vehicle then and there operated, controlled and driven by said employee and/or authorized and/or ostensible agent of the, Defendant, MARK DAVID TIPTON.



3. That at the aforesaid time and place, and at all relevant times herein, said employee and/or ostensible agent of the Defendant, MARK DAVID TIPTON, operated, controlled and drove said motor vehicle with the knowledge, consent and express and/or implied permission of the Defendant, PURDY BROS TRUCKING CO.

4. That at the aforesaid time and place, and all relevant times herein, said employee and/or authorized and/or ostensible agent of the Defendant, MARK DAVID TIPTON, operated, controlled and drove said motor vehicle within the permission of the Defendant, PURDY BROS TRUCKING CO.

5. That at the aforesaid time and place, and at all relevant times herein, the Defendant, PURDY BROS TRUCKING CO., had a right of control over said employee and/or authorized and/or ostensible agent, MARK DAVID TIPTON, in the operation of the aforesaid motor vehicle.

6. That at the aforesaid time and place, and at all relevant times herein, said employee and/or authorized agent of the Defendant, MARK DAVID TIPTON, was conducting himself in such a manner as to cause members of the general public, including the Plaintiff, VICENTE GONZALEZ, to believe that he was an employee and/or authorized agent of the Defendant, PURDY BROS TRUCKING CO.

7. That at the aforesaid time and place, the Plaintiff, VICENTE GONZALEZ, owned, operated, controlled and drove a motor vehicle, traveling in a generally northbound direction on I-55 at or near 1st Avenue, in the City of Summit, County of Cook, State of Illinois.

8. That at the aforesaid time and place, the Defendant, PURDY BROS TRUCKING CO., as owner and principal through its agent, said employee and/or ostensible agent, MARK DAVID TIPTON, did then and there drive said motor vehicle into a violent collision with the aforesaid motor vehicle then and there driven by the Plaintiff, VICENTE GÓNZALEZ.

9. That the aforesaid time and place, the Defendant, PURDY BROS TRUCKING CO., as owner and principal through its agent, said employee and/or authorized and/or ostensible agent, MARK DAVID TIPTON, owed a duty to the Plaintiff, VICENTE GONZALEZ, and to the public generally to exercise due and proper care and caution in the operation of said motor vehicle.

10. That at the aforesaid time and place, the Defendant, PURDY BROS TRUCKING CO., as owner and principal through its agent, said employee and/or authorized and/or ostensible agent, MARK DAVID TIPTON, breached the aforesaid duty to the Plaintiff, VICENTE GONZALEZ, through one or more of the following acts and /or omissions:

- (a) operated, controlled and drove said motor vehicle into collision with Plaintiff's vehicle, which was the proximate cause of the injuries to the Plaintiff;
- (b) failed to keep said motor vehicle under proper and sufficient control;
- (c) operated, controlled and drove said motor vehicle so that as a direct and proximate result thereof, Plaintiff was injured;
- (d) operated, controlled and drove said motor vehicle without keeping a proper and sufficient lookout;
- (e) failed to decrease speed so as to avoid colliding with Plaintiff, in violation of 625 ILCS 5/11-601;
- (f) failed to give an audible warning with horn when such warning was reasonably necessary to insure safety, in violation of 625 ILCS 5/12-601;
- (g) failed to yield the right-of-way to plaintiff's vehicle in violation of 625 ILCS 5/11-

901;

(h) failed to obey traffic control device in violation of 625 ILCS 5/11-305;

11. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of the Defendant, PURDY BROS TRUCKING CO., the Plaintiff, VICENTE GONZALEZ, suffered injuries and damages, of a personal, pecuniary and permanent nature.

WHEREFORE, the Plaintiff, VICENTE GONZALEZ, demands judgment against the Defendant, PURDY BROS TRUCKING CO., a foreign corporation for a sum in excess of FIFTY THOUSAND AND NO/100THS (\$50,000.00) DOLLARS, plus costs of this suit.

**COUNT II - Vicente Gonzalez v. Purdy Bros Trucking Co.**

1. That on or about June 19, 2015, MARK DAVID TIPTON, operated, controlled and drove a motor vehicle, traveling in a generally northbound direction, on I-55 at or near 1st Avenue, in the City of Summit, County of Cook, State of Illinois.

2. That at the aforesaid time and place, the Plaintiff, VICENTE GONZALEZ, owned, operated, controlled and drove a motor vehicle, traveling in a generally northbound direction, on I-55 at or near 1st Avenue, in the City of Summit, County of Cook, State of Illinois.

3. That at the aforesaid time and place, the Defendant, did then and there drive said motor vehicle into a violent collision with the aforesaid motor vehicle then and there driven by the Plaintiff, VICENTE GONZALEZ.

4. That at the aforesaid time and place, the Defendant, MARK DAVID TIPTON, owed a duty to the Plaintiff, VICENTE GONZALEZ, and to the public generally to exercise due and proper care and caution in the operation of said motor vehicle.

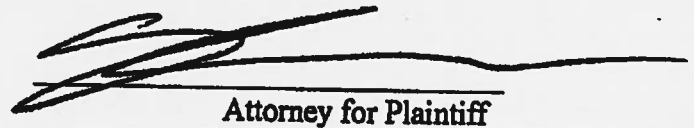
5. That at the aforesaid time and place, the Defendant, MARK DAVID TIPTON, breached the aforesaid duty to the Plaintiff, VICENTE GONZALEZ, through one or more of the following negligent and careless acts and/or omissions:

- (a) operated, controlled and drove said motor vehicle into collision with Plaintiff's vehicle, which was the proximate cause of the injuries to the Plaintiff;
- (b) failed to keep said motor vehicle under proper and sufficient control;
- (c) operated, controlled and drove said motor vehicle so that as a direct and proximate result thereof, Plaintiff was injured;
- (d) operated, controlled and drove said motor vehicle without keeping a proper and sufficient lookout;
- (e) failed to decrease speed so as to avoid colliding with Plaintiff, in violation of 625 ILCS 5/11-601;
- (f) failed to give an audible warning with horn when such warning was reasonably necessary to insure safety, in violation of 625 ILCS 5/12-601;
- (g) failed to yield the right-of-way to plaintiff's vehicle in violation of 625 ILCS 5/11-901;
- (h) failed to obey traffic control device in violation of 625 ILCS 5/11-305;

6. As a direct and proximate result of one or more of the aforesaid negligent and careless acts and/or omissions of the Defendant, MARK DAVID TIPTON, the Plaintiff, VICENTE GONZALEZ, suffered injuries and damages of a personal, pecuniary and permanent nature.

WHEREFORE, the Plaintiff, VICENTE GONZALEZ, demands judgment against the Defendant, MARK DAVID TIPTON, for a sum in excess of FIFTY THOUSAND AND

NO/100THS (\$in excess of \$50,000.00 plus the cost of this suit.) DOLLARS, plus costs of this suit.



Attorney for Plaintiff

**THE VRDOLYAK LAW GROUP, LLC**  
**By: Steven C. Armbruster**  
**Attorney for Plaintiff**  
**9618 S. Commercial Avenue**  
**Chicago, IL 60617**  
**773-731-3311**



**RULE 222 (b) AFFIDAVIT**

I, the undersigned, am the Plaintiff in this case and under penalties provided by the law pursuant to section 1-19 of the Code of Civil procedure certify that the damages sought in this lawsuit does/~~not~~ exceed Fifty Thousand Dollars ( 50,000.00)

X

  
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